

Express Mail No. EV459191853US

PATENT
9D-RG-19394-Daum

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wolfgang Daum	:	
	:	Art Unit: 2116
Serial No.: 09/754,419	:	
	:	Examiner: Chang, Eric
Filed: January 5, 2001	:	
	:	
For: ARBITRATING CLOCK	:	
SYNCHRONIZATION SYSTEM	:	

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The Office Action mailed January 14, 2005, has been carefully reviewed and the following remarks have been made in consequence thereof.

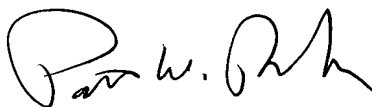
A restriction to one of Group I, consisting of Claims 1-5, 13-17, 21-22 drawn to systems for updating, classified in class 713, subclass 400, and Group II, consisting of Claims 6-12, drawn to a process for updating, and 18-20, drawn to a system for updating, classified in class 713, subclass 400 has been imposed. In response to the restriction requirement set forth in the Office Action, Applicant elects, with traverse, for prosecution in this application Claims 1-5, 13-17, and 21-22 of Group I.

The restriction requirement is respectfully traversed because the inventions set out by the claims in Groups I and II clearly are related. Applicant respectfully submits that it is evident that the claims of Groups I and II have an overlapping nature such that a search and examination of Groups I and II can be made without serious burden. MPEP section 803 states that if "the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions". Indeed, the cited claim groups are encompassed by a single class 713 and a single subclass 400, and it is not evident how the searching of a single

class and a single subclass could present an unreasonable burden on the Examiner. Because the claim groups are encompassed by a single class and a single subclass, the assertion that the claim groups have acquired a separate status in the art because of their recognized divergent subject matter is respectfully traversed and submitted to be unsupportable on the present record. Therefore, to the extent that the restriction requirement relies on this assertion, it is respectfully submitted that the restriction requirement is improper and should be withdrawn.

Applicant respectfully submits that a thorough search and examination of either claim group would be relevant to the examination of the other group. In addition, requirements for restriction are not mandatory under 35 U.S.C. §121. Accordingly, reconsideration of the restriction requirement is requested.

Respectfully submitted,



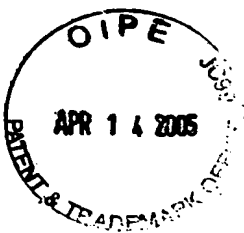
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4-15-05

PATENT

Attorney Docket No.: 9D-RG-19394-Daum

2116



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wolfgang Daum
Serial No.: 09/754,419
Filed: January 5, 2001
For: ARBITRATING CLOCK
SYNCHRONIZATION SYSTEM

:
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: Group No.: 2116
:
: Examiner: Chang, Eric
:
:
:

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

1. Transmitted herewith is:
Response To Restriction Requirement (2 pgs.), in response to Office Action dated January 14, 2005
Transmittal Form (3 pgs.), in duplicate
Return Post Card

STATUS

2. Applicant
☐ claims small entity status.
☒ is other than a small entity.

**CERTIFICATE OF MAILING BY EXPRESS MAIL TO
THE COMMISSIONER FOR PATENTS**

Express Mail No. EV459191853
Date: April 14, 2005

I hereby certify that the documents listed above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Patrick W. Rasche, Reg. No. 37,916

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

- (a) _____ Applicant petitions for an extension of time under 37 C.F.R. 1.136
(Fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

Extension for response within:	Other than small entity Fee	Small entity Fee (if applicable)
_____ first month	\$ 120.00	\$ 60.00
_____ second month	\$ 450.00	\$ 225.00
_____ third month	\$ 1,020.00	\$ 510.00
_____ fourth month	\$1,590.00	\$ 795.00
_____ fifth month	\$2,160.00	\$1,080.00

Fee: \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

_____ An extension of _____ months has already been secured. The fee paid
therefor \$_____ is deducted from the total fee due for the total months
of extension now requested.

Extension fee due with this request \$_____

OR

- (b) X Applicant believes that no extension of term is required. However, this
conditional petition is being made to provide for the possibility that
applicant has inadvertently overlooked the need for a petition for extension
of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NO. PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA	SMALL ENTITY ADDITIONAL RATE FEE	OR	OTHER THAN SMALL ENTITY ADDITIONAL RATE FEE
TOTAL INDEP.		MINUS		=	x \$25.00 = \$		x \$50.00 = \$
		MINUS		=	x \$100.00 = \$		x \$200.00 = \$
— FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$180.00 = \$		+ \$360.00 = \$
					TOTAL ADDITIONAL FEE \$	OR	TOTAL ADDITIONAL FEE \$

- (a) ☒ No additional fee for Claims is required

OR

- (b) ☐ Total additional fee for claims required \$ _____

FEE PAYMENT

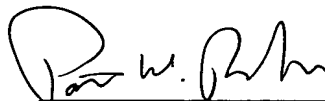
5. Attached is a check in the sum of \$_____
- ☐ Charge Deposit Account No. 01-2384 the sum of \$_____.
A duplicate of this transmittal is attached.

FEE DEFICIENCY

6. ☒ If any additional extension and/or fee is required, charge Deposit Account No. 01-2384.

AND/OR

- ☒ If any additional fee for claims is required, charge Deposit Account No. 01-2384.
7. ☐ Other:



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